

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:05CV51-MU**

AMANDA U. AJULUCHUKU,)
)
 Plaintiff,)
)
 v.)
)
BANK OF AMERICA,)
)
 Defendant.)

)

ORDER

THIS MATTER is before the Court on Plaintiff’s “Motion to Serve Defendant Via Proper Service,” filed April 29, 2005. In this Motion, Plaintiff asks the Court to authorize service of the complaint and summons on “Kenneth D. Lewis, CEO of Bank of America.”

This Motion is not proper for disposition by the Court. This Court cannot judicially decide whether Mr. Lewis is the correct individual for Plaintiff to serve. Rather, Plaintiff is responsible for ascertaining whether Mr. Lewis is an officer, a managing or general agent, or any other authorized agent upon whom service may be effected. *See* Fed. R. Civ. P. 4(h)(1), (e)(1).

To the extent Plaintiff is asking the Court for additional time to serve the summons and complaint in this matter, the Court advises Plaintiff that the time for service has not yet expired. *See* Fed. R. Civ. P. 4(m). Consequently, Plaintiff’s Motion is denied.

SO ORDERED.

Signed: May 4, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

